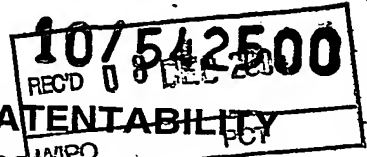




PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference SON040101PCT		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/EP2004/000316		International filing date (day/month/year) 16.01.2004	Priority date (day/month/year) 17.01.2003	
International Patent Classification (IPC) or national classification and IPC G06F1/00				
Applicant SONY DADC AUSTRIA AG				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 16 sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 13.08.2004		Date of completion of this report 08.12.2004		
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Alecu, M Telephone No. +31 70 340-2648 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/000316

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-11 received on 24.09.2004 with letter of 24.09.2004

Claims, Numbers

1-25 received on 24.09.2004 with letter of 24.09.2004

Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/000316

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-25
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

1. The following documents are referred to in this communication:

D1: WO 00/49505 A (HENDRICK COLIN) 24 August 2000 (2000-08-24)

D2: EP-A-0 899 733 (SONY DADC AUSTRIA AG) 3 March 1999 (1999-03-03)

D3: FR-A-2 822 255 (PAOLUCCI MARGUERITE) 20 September 2002 (2002-09-20)

2. For the purpose of assessing the novelty and inventiveness of the claims it is considered that a DVD is a "copy protected record carrier" due to the fact that a one-to-one copy of a DVD cannot be made (for reasons such as difference in maximum size of data possible to put on a DVD and a DVD-RAM).

2.1 It is also considered that features that are prima facie not technical (e.g. "bonus material") and that do not contribute to an overall technical effect are not "technical features" in the meaning of Rule 6.3(a) and (b) PCT. Consequently, such features can not serve to distinguish an invention from the prior art, i.e., they can not contribute to novelty or inventive step.

3. The subject-matter of claim 1 is not inventive in the sense of Article 33(3) PCT for the following reason:

Document D1 discloses (the references in parenthesis applying to this document):

Method for securing an access to a predetermined area of a target server, providing an information file (the information file is a part of the smart card memory that contains the URL and the project identifier) on a copy protected record carrier (the copy protected record carrier is the smart card) which information file comprises a project identifier (page 8, line 7 - "verification codes") and/or an address of an authentication server (the URL of the bank - see page 18, lines 16-25) with which an application ("application program" - page 8, line 30) using said information file can communicate so that the authentication server can initiate and confirm a connection between a computer on which said application is started and said predetermined area of said target server that is identified by the authentication server and/or the project identifier (it is implicit in D1 for the person skilled in the art, that the bank from page

18, line 22, which is also the ISP, authenticates the user, using the "user's login identification and password" disclosed on page 8, lines 3-5, for example, before connecting him to the "personalized web page" from page 18, line 20).

The subject-matter of claim 1 therefore differs from this known D1 only in that, according to claim 1 said authentication server further verifies whether or not a changing parameter of the computer, in particular a randomly generated number and/or a computer system time transmitted from said computer, was not already previously used and initiates a connection of said computer with said predetermined area of said target server in case of a positive verification, whereas D1 is silent about such a verification.

The problem to be solved by the present invention may therefore be regarded as how to make the authentication procedure resistant against a reply attack.

The solution proposed in claim 1 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

A person skilled in the art will recognize that the procedure used in D1 for authentication is vulnerable to a third-party copying the password used to access the personalized web page in order to impersonate the user at a later time. In order to make the procedure resistant to such an attack, a person skilled in the art would search the prior art in the same field and find a solution to that problem in D3, page 6, lines 20 to 33, namely the use of a one-time password, such as a randomly generated number or a computer system time, in the authentication procedure, and would apply this solution to the method described in document D1, thus arriving at the method claimed in claim 1.

Therefore the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT, and the criteria of Article 33(1) PCT are not met.

3.1 D1 also discloses that the information file contains the user login identification and password (D1, page 8, line 5), which is implicitly accessed in order to start the secure access. Therefore the subject-matter of **claim 5**, is also not inventive in the sense of Article 33(3) PCT.

3.2 Claims 17,19 relate to a subject-matter similar or corresponding to claim 1 and are therefore also not inventive in the sense of Article 33(3) PCT.

4. Dependent claims 2-4, 6-16, 18 20-25 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT), the reason being as follows:

- For **claims 2-4,6,16,18,22-24** - D1 discloses an autorun-information file which provides an automatic execution of a predetermined executable file after the smart card is loaded in the reader (page 11, lines 9-17 exemplifies procedures of automatic execution and the information file can be the application itself that can be stored on the smart card - see page 12 lines 3-4)
- The additional features of **claims 7,14,20,21** are simple design choices for a person skilled in the art (see also D2 for background information).
- For **claim 8**: see paragraph 3 above.
- For **claim 9**: Verifying the identity of the other part in a computer communication is straightforward and doing that by using encryption is just a design choice.
- The additional features of **claims 10-13** are mere design choices
- **Claims 15 and 25** do not add any technical features to the subject matter of the claims to which they refer.